

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF VIRGINIA

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Lowery's Seafood Restaurant, Inc.

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 54-1064620

4. Debtor's address Principal place of business

528 Church Lane  
Tappahannock, VA 22560

Number, Street, City, State & ZIP Code

Essex

County

Mailing address, if different from principal place of business

PO Box 696  
Tappahannock, VA 22560

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor Lowery's Seafood Restaurant, Inc.  
Name

Case number (if known) \_\_\_\_\_

**7. Describe debtor's business**

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
 See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7225

**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- ☐ Chapter 7  
☐ Chapter 9

☒ Chapter 11. Check **all** that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.  
☐ Yes.

If more than 2 cases, attach a separate list.

District _____	When _____	Case number _____
District _____	When _____	Case number _____

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- ☒ No  
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor _____	Relationship _____
District _____	When _____ Case number, if known _____

Debtor **Lowery's Seafood Restaurant, Inc.**  
Name

Case number (if known)

**11. Why is the case filed in this district?**

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

**Where is the property?**

Number, Street, City, State & ZIP Code

**Is the property insured?**

☐ No

☐ Yes. Insurance agency

Contact name

Phone

**Statistical and administrative information**

**13. Debtor's estimation of available funds**

Check one:

☐ Funds will be available for distribution to unsecured creditors.

☒ After any administrative expenses are paid, no funds will be available to unsecured creditors.

**14. Estimated number of creditors**

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

**15. Estimated Assets**

☒ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

**16. Estimated liabilities**

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☒ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Lowery's Seafood Restaurant, Inc.**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **August 20, 2020**  
MM / DD / YYYY

**X /s/ William Lowery, IV.**

Signature of authorized representative of debtor

**William Lowery, IV.**

Printed name

Title

**18. Signature of attorney**

**X /s/ Mark J. Dahlberg**

Signature of attorney for debtor

Date **August 20, 2020**

MM / DD / YYYY

**Mark J. Dahlberg**

Printed name

**Woehrle Dahlberg Yao, PLLC**

Firm name

**2016 Lafayette Blvd., Ste 101  
Fredericksburg, VA 22401**

Number, Street, City, State & ZIP Code

Contact phone **(540) 898-8881**

Email address **mark.dahlberg1@gmail.com**

**79569 VA**

Bar number and State

**Fill in this information to identify the case:**Debtor name **Lowery's Seafood Restaurant, Inc.**United States Bankruptcy Court for the: **EASTERN DISTRICT OF VIRGINIA**

Case number (if known): \_\_\_\_\_

☐ Check if this is an amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
ASCAP PO Box 331608 Nashville, TN 37203-7515						\$4,584.09
Atlantic Union 1649 Tappahannock Blvd. Tappahannock, VA 22560		Restaurant		\$24,623.33	\$0.00	\$24,623.33
Atlantic Union Bank PO Box 1010 Tappahannock, VA 22560		SBA PPP Loan				\$180,720.00
Bevan Oyster Co. 1090 Shipjack Rd Kinsale, VA 22488						\$8,426.00
Commonwealth of Virginia Dept. of Taxation PO Box 2369 Richmond, VA 23218-2369						\$186,992.81
Dominion Energy Virginia PO Box 26543 Richmond, VA 23290		Utility				\$55,997.79
Eco Lab PO Box 32027 New York, NY 10087						\$7,860.82
Eco Lab PO Box 32027 New York, NY 10087		Pest Control				\$3,842.16
FMS, Inc. PO Box 707600 Tulsa, OK 74170-7600						\$19,760.08

Debtor **Lowery's Seafood Restaurant, Inc.**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
IRS 903 Enterprise Parkway Ste 100 Hampton, VA 23666-5962						\$78,904.79
Little River Seafood, Inc. 440 Rock Town Rd. Reedville, VA 22539						\$15,836.40
Performance Food Group, Inc. 2420 Banco Rd Henrico, VA 23228			Disputed			\$143,221.66
Restaurant Technologies, Inc. 12962 Collections Center Chicago, IL 60693						\$2,964.66
River Country PO Box 1023 Tappahannock, VA 22560		Advertising				\$1,010.00
Sam Rust Seafood PO Box 9760 Hampton, VA 23670						\$8,916.13
SESAC PO Box 5246 New York, NY 10008-5246						\$3,276.18
Sysco Hampton Roads 700 Harbor View Blvd. Suffolk, VA 23435						\$33,390.69
Town of Tappahannock PO Box 266 Tappahannock, VA 22560						\$101,000.00
United Healthcare PO Box 94017 Palatine, IL 60094		Health Insurance				\$17,336.85
Vector Security 2805 North Parham Rd., Ste 500 Henrico, VA 23294						\$2,896.15

Accident Fund  
PO Box 77000  
Detroit, MI 48277

ASCAP  
PO Box 331608  
Nashville, TN 37203-7515

Atlantic Broadband  
PO Box 789  
Bowling Green, VA 22427

Atlantic Union  
1649 Tappahannock Blvd.  
Tappahannock, VA 22560

Atlantic Union Bank  
PO Box 1010  
Tappahannock, VA 22560

Audit Systems, Inc.  
1301 Seminole Blvd., Ste 159  
Largo, FL 33770

Bevan Oyster Co.  
1090 Shipjack Rd  
Kinsale, VA 22488

Commonwealth of Virginia  
Dept. of Taxation  
PO Box 2369  
Richmond, VA 23218-2369

Direct TV  
PO Box 410347  
Charlotte, NC 28241

Dominion Energy Virginia  
PO Box 26543  
Richmond, VA 23290

Eco Lab  
PO Box 32027  
New York, NY 10087

FMS, Inc.  
PO Box 707600  
Tulsa, OK 74170-7600

Holtzman Propane  
PO Box 185  
Warsaw, VA 22572

IRS  
903 Enterprise Parkway Ste 100  
Hampton, VA 23666-5962

Little River Seafood, Inc.  
440 Rock Town Rd.  
Reedville, VA 22539

Paycheck  
1175 John St.  
West Henrietta, NY 14586

Performance Food Group, Inc.  
2420 Banco Rd  
Henrico, VA 23228

Quarles  
PO Box 7508  
Fredericksburg, VA 22404

Rappahannock Times  
PO Box 1025  
Tappahannock, VA 22560

Restaurant Technologies, Inc.  
12962 Collections Center  
Chicago, IL 60693

Richmond Oxygen  
11009 Richardson Rd.  
Ashland, VA 23005

River Country  
PO Box 1023  
Tappahannock, VA 22560



Robert N. Lowery  
241 Riverdale Rd.  
Tappahannock, VA 22560

Sam Rust Seafood  
PO Box 9760  
Hampton, VA 23670

Sands Anderson  
c/o Andrew Biondi, Esq.  
PO Box 1998  
Richmond, VA 23218-1998

Selective Ins  
PO Box 371468  
Pittsburgh, PA 15250

SESAC  
PO Box 5246  
New York, NY 10008-5246

Sun Life Financial  
PO Box 807009  
Kansas City, MO 64184-7009

Sysco Hampton Roads  
700 Harbor View Blvd.  
Suffolk, VA 23435

Town of Tappahannock  
PO Box 266  
Tappahannock, VA 22560

United Healthcare  
PO Box 94017  
Palatine, IL 60094

Vector Security  
2805 North Parham Rd., Ste 500  
Henrico, VA 23294

Verizon  
PO Box 4830  
Trenton, NJ 08650

Virginia Linen  
1440 Hickory Hill Rd  
Petersburg, VA 23803

Virginia Penusulas  
475 McLaws Circle, ste 3B  
Williamsburg, VA 23185

William W. Lowery, III  
PO Box 1228  
Tappahannock, VA 22560

WRAR  
PO Box 1028  
Tappahannock, VA 22560

**United States Bankruptcy Court  
Eastern District of Virginia**

In re **Lowery's Seafood Restaurant, Inc.**

Debtor(s)

Case No.  
Chapter

**11**

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Lowery's Seafood Restaurant, Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

**August 20, 2020**  
Date

**/s/ Mark J. Dahlberg**  
**Mark J. Dahlberg**

Signature of Attorney or Litigant  
Counsel for **Lowery's Seafood Restaurant, Inc.**  
**Woehrle Dahlberg Yao, PLLC**  
**2016 Lafayette Blvd., Ste 101**  
**Fredericksburg, VA 22401**  
**(540) 898-8881 Fax:(540) 898-0755**  
**mark.dahlberg1@gmail.com**